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June 21, 2023

VIA ECF

The Honorable Sarah L. Cave
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Paul Phillips, et. al. v. The City of New York, et. al., 21 Civ. 8149
(ALC)(SLC)

Your Honor:

I am a Senior Counsel in the office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendant City of New York in the above referenced matter. We write in response to plaintiffs' letter at Docket 100.

The City opposes plaintiffs' request. We note that Phillips filed suit in this District and will almost certainly have to appear in this District for deposition and trial. Further, on the date of his arrest, July 3, 2020, upon information and belief, Phillips was stopped while driving. Phillips has also provided no support for his claim of medical hardship, i.e., no medical records whatsoever or the declaration of a doctor.

Plaintiffs' proposal, as best as the City understands it, is for their counsel to take pictures of the photographic arrays and for Phillips to view digital copies of them from his remote location. That means that plaintiffs' counsel will have taken photographs of the photo arrays, which the City has repeatedly objected to. I believe Your Honor ruled at the last conference that plaintiffs and their counsel would not be able to have copies of the photo arrays. However, plaintiffs' proposal seemingly would allow them to make such copies since they would be taking photographs of the photo arrays.

Plaintiffs' request should therefore be denied.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Mark D. Zuckerman
Mark D. Zuckerman

cc: All counsel (via ECF)